

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MARLAYNA G. TILLMAN,	:	C.A. No.: 04-1314(SLR)
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
THE PEPSI BOTTLING GROUP, INC.,	:	
and TEAMSTERS LOCAL UNION	:	
830,	:	
	:	
Defendants.	:	
	:	

ORDER

At Wilmington this day of , 2006, the parties having satisfied their obligations under Fed.R.Civ.P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed.R.Civ.P. 16 and D.Del.LR 16.2(a) and (b);

IT IS ORDERED that:

1. Pre-Discovery Disclosures. The parties have exchanged the information required by Fed.R.Civ.P. 26(a)(1) and D.Del.LR 16.2.

2. Discovery.

(a) Discovery will be needed on the following subjects: All facts and information in support of liability and damages on any claim of plaintiff. All facts and information in support of any affirmative defense or counterclaim of any party.

(b) All discovery shall be commenced in time to be completed by December 1, 2006. Plaintiff shall answer defendant, Teamsters Local Union 830's interrogatories (first set) and produce all documents responsive to the document requests of the defendants within 10 days of the scheduled date for the continuation of the plaintiff's oral pretrial deposition.

- (c) Maximum of 25 interrogatories by each party to any other party.
- (d) Maximum of 25 requests for admission by each party to any other party.
- (e) Maximum of 10 depositions by plaintiff and 10 depositions (total) by defendants.
- (f) Each deposition (other than plaintiff) is limited to a maximum of 7 hours unless extended by agreement of parties.
- (g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by December 1, 2006. Rebuttal expert reports are due by January 2, 2007.
- (h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed.R.Civ.P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. Joinder of other Parties, Amendment of Pleadings, and Class Certification. All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before October 1, 2006.

4. Settlement Conference. Pursuant to 28 U.S.C. §636, this matter is referred to Magistrate Judge Thynge for the purposes of exploring ADR.

5. Summary Judgment Motions. All summary judgment motions shall be served and filed with an opening brief on or before December 15, 2006. Briefing shall be pursuant to D.Del.LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of court.

6. **Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D.Del.LR 7.1.1.**

7. **Motions in Limine.** All motions in limine shall be filed on or before

_____ [two weeks before the pretrial conference].

8. **Pretrial conference.** A pretrial conference will be held on _____, at _____ .m. in courtroom 6B, sixth floor, Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D.Del.LR 16.4 shall govern the pretrial procedure.

9. **Trial.** This matter is scheduled for a one week jury trial commencing on _____ in courtroom 6B, sixth floor, Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

United States District Judge